

**SUPREME COURT MINUTES
THURSDAY, MARCH 11, 2010
SAN FRANCISCO, CALIFORNIA**

S060500

**PEOPLE v. D'ARCY
(JONATHAN DANIEL)**

Opinion filed: Judgment affirmed in full

Majority Opinion by Moreno, J.

-- joined by George, C. J., Kennard, Baxter, Werdegar, Chin, and Corrigan, JJ.

S180727

**HSU (JOHN) v. COURT OF
APPEAL, FIRST APPELLATE
DISTRICT (STATE
PERSONNEL BOARD)**

Vexatious litigant application denied

The application of petitioner for leave to file Petition for Writ of Mandate is hereby denied.

S180731

B222450 Second Appellate District, Div. 5

**GREENLIGHT FILM &
TELEVISION, INC., AND
HOWSAM (GARY) v. S.C.
(COMERICA BANK)**

Petition for review denied

S180653

**STAHLEY (THOMAS J.) v.
S.C. (PEOPLE)**

Transferred to Court of Appeal, Second Appellate District

The above-entitled matter is transferred to the Court of Appeal, Second Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S180684**PEYTON (RAYMOND E.) v.
S.C. (PEOPLE)**

Transferred to Court of Appeal, Fourth Appellate District, Division Two

The above-entitled matter is transferred to the Court of Appeal, Fourth Appellate District, Division Two, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S180813**HAMPTON (ENOS
JONATHON) v. S.C.
(PEOPLE)**

Transferred to Court of Appeal, Fourth Appellate District, Division Two

The above-entitled matter is transferred to the Court of Appeal, Fourth Appellate District, Division Two, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S179413**SPEIR ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that KEVIN ANDREW SPEIR, State Bar Number 119044, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

KEVIN ANDREW SPEIR must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S179430**YOUNG ON DISCIPLINE**

Recommended discipline imposed

The court orders that LAWRENCE REX YOUNG, State Bar Number 38323, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. LAWRENCE REX YOUNG is suspended from the practice of law for the first 30 days of probation;
2. LAWRENCE REX YOUNG must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on October 22, 2009; and
3. At the expiration of the period of probation, if LAWRENCE REX YOUNG has complied with the terms of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

LAWRENCE REX YOUNG must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation within the same period. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S179466**FRANK ON DISCIPLINE**

Recommended discipline imposed

The court orders that KEVIN JOSEPH FRANK, State Bar Number 119102, is suspended from the practice of law in California for three years, execution of that period of suspension is stayed, and he is placed on probation for four years subject to the following conditions:

1. KEVIN JOSEPH FRANK is suspended from the practice of law for a minimum of the first two years of probation, and he will remain suspended until the following requirement is satisfied:
 - i. He must provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).)
2. KEVIN JOSEPH FRANK must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on November 2, 2009.
3. At the expiration of the period of probation, if KEVIN JOSEPH FRANK has complied with all conditions of probation, the three-year period of stayed suspension will be satisfied and that suspension will be terminated.

KEVIN JOSEPH FRANK must also take and pass the Multistate Professional Responsibility Examination during the period of his suspension and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

KEVIN JOSEPH FRANK must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S179472**DAVIS ON DISCIPLINE**

Recommended discipline imposed

The court orders that DOUGLAS WILLIAM DAVIS, State Bar Number 132620, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. DOUGLAS WILLIAM DAVIS must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on November 16, 2009; and
2. At the expiration of the period of probation, if DOUGLAS WILLIAM DAVIS has complied with the terms of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

DOUGLAS WILLIAM DAVIS must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation within the same period. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S179480**DUCHANIN ON DISCIPLINE**

Recommended discipline imposed

The court orders that DANIEL DUCHANIN, State Bar Number 189983, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. DANIEL DUCHANIN is suspended from the practice of law for a minimum of the first 90 days of probation, and he will remain suspended until the following requirements are satisfied:
 - i. He makes restitution to Phyllis Scott in the amount of \$260.20 plus 10 percent interest per year from December 31, 2007 (or reimburses the Client Security Fund, to the extent of any payment from the fund to Phyllis Scott, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles; and
 - ii. If he remains suspended for two years or more as a result of not satisfying the preceding condition, he must also provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).)
2. DANIEL DUCHANIN must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on October 30, 2009.
3. At the expiration of the period of probation, if DANIEL DUCHANIN has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that

suspension will be terminated.

DANIEL DUCHANIN must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order, or during the period of his suspension, whichever is longer and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

DANIEL DUCHANIN must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S179530**CARTER ON DISCIPLINE**

Recommended discipline imposed

The court orders that PATRICK JOHN CARTER, State Bar Number 60763, is suspended from the practice of law in California for 30 days.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.